ROMAN LAW IN THE MODERN WORLD, by Charles Phineas Sherman, D. C. L. (Yale), Assistant Professor of Roman Law in Yale University; Member of the Bar of Connecticut, of Massachusetts, and of the United States Supreme Court; Curator of the Yale-Wheeler Library of Roman, Continental European, and Latin-American Law; ex-Instructor of French and Spanish Law in Yale University; ex-Librarian of the Yale Law School Library. In three volumes: Vol. I. History, pp. xxvii, 413; Vol. II. Manual, pp. xxxii, 496; Vol. III, Guides, pp. vii, 315. Boston: Boston Book Co., 1917.

The Spanish-American War with its unexpected and—in some respects—unwelcome result of adding to our territory a number of countries whose basic law was a derivative of the old Roman law, has stimulated our interest in the study of that system and the past twenty years shows a very considerable increase in the literature of the subject. The present work is apparently an attempt to get into convenient and accessible form for the use of students the results of the study of the contact of Roman Law and the Common Law of England in our modern world.

The author addresses himself to the "general reader, the non-professional student, the law student and the law teacher." It may be assumed that Volumes I and II will appeal particularly to the first two classes while the professional student and scholar will find the last volume more useful. The work is arranged on the scheme of the French Civil Code with some modifications suggested by other Continental European codes. The first two volumes are arranged in the usual form of the institutional treatises, giving first the history, then the systematic treatment of fundamental principles. The volume on the history begins with the pre-Roman period and gives a sketch of the growth of the Roman Law in all the European nations and in America, Asia and Africa down to the present time, showing also the many points of contact of Roman Law with English Law in various parts of the world. As this is all crowded into one moderate sized volume the treatment of many themes is necessarily somewhat cursory and the pages are so crowded with bare statements of facts that their appeal to the "general reader" may not be very strong. But the full citation of authorities make this volume useful to those who may wish to go more deeply into the subject, especially if it be used along with the "Subject Guide to Volume I" which forms the first chapter of the third volume.

In the opening chapters of the first volume the author argues the value of Roman Law and of legal history to the present day American lawyer and although he states his case with great perspicacity and cogency, one may wonder whether he has not been betrayed at times by his enthusiasm for his subject into over statements that might be misleading. One who knew nothing of the long discussion concerning the nature of the indebtedness of English law to Roman law might after reading §§ 1-15 and §§ 368-378 readily come to the conclusion that the misleading statement of Sir William Jones [quoted with approval on p. 361] to the effect that the Roman law "is the source of nearly all our English laws * * * not of feudal origin", is a statement of an unchallenged

historical fact. The author's statement (§ 536) that, "Every system of modern corporation law is indeed modern Roman Law" might be interpreted as meaning that there is a proved historical connection between the Roman *universitas* and the modern corporation, with no intimation that the concept may have developed independently in the two systems. The author's combination of Roman-Spanish law with Roman-French law into a "common" law of the Territory of Orleans as a "Roman-French-Spanish law" [cf. § 263] may be due to effort at conciseness of expression but it ignores the influence of the picturesque O'Reilly, Spanish Governor General, upon the history of Louisiana law, and disregards the finding of the Louisiana Supreme Court in *Pecquet* v. *Pecquet's Ex'r*, 17 La. An. 228, to the effect that, "The laws of Spain are judicially noticed" but "The laws of France must be proved" in that jurisdiction. The statement of the author in Volume II, p. 14, that "Roman law, as found in French law, is the source of any unwritten Louisiana civil law" would seem to be out of harmony with this pronouncement of the Louisiana Supreme Court.

Volume II, arranged on the usual plan of the Continental treatises on "Institutes", has the advantage for an American student of bringing the treatment down to date by the addition of references to the modern Roman Law codes and to cases decided in English jurisdictions in which Roman Law principles are discussed. There is also in Volume III a "Subject Guide to Volume II".

The most valuable part of the work for scholars and teachers of law is Volume III. In addition to the "Subject Guides" for the first two volumes, already mentioned, this contains a "Bibliography of Roman Law" which contains, besides the titles, short characterizations and explanations of the nature of the works cited. The bibliographical features of the entire work are admirable as may well be expected from the author's long service as Librarian of the Yale Law School and Curator of the Yale-Wheeler Library of Roman Law.

J. H. DRAKE.

THE PSYCHOLOGY OF SPECIAL ABILITIES AND DISABILITIES, by Augusta F. Bronner, Assistant Director, Juvenile Psychopathic Institute, Chicago: Little, Brown, and Co., 1917; pp. vi, 269.

In these times, when so many persons are advocating particular "mental tests" in relation to education, vocational guidance and military fitness, it is refreshing to find a book which does not suggest the addition of a single new test but which uncovers the vast field of information still to be gleaned by the methods already in vogue.

The book primarily calls attention to the rather extreme mental variability which exists among human beings in general. Instead of establishing norms and central tendencies, the author concerns herself with the much more fascinating study of individual differences. These differences may be considered in two ways, first, by showing that an individual is, on the average, so much above or so much below the mental level of his contemporaries; second, by pointing out the inequality of performance of a given person. She